

WARREN COUNTY BOARD OF SUPERVISORS

COMMITTEE: CRIMINAL JUSTICE - DISTRICT ATTORNEY & PUBLIC DEFENDER

DATE: SEPTEMBER 23, 2010

COMMITTEE MEMBERS PRESENT:

SUPERVISORS GOODSPEED
KENNY
VANNESS
STRAINER
TAYLOR

OTHERS PRESENT:

KATE HOGAN, DISTRICT ATTORNEY
JOHN WAPPETT, PUBLIC DEFENDER
FREDERICK MONROE, CHAIRMAN OF THE BOARD
JOAN SADY, CLERK OF THE BOARD
KEVIN GERAGHTY, BUDGET OFFICER
SUPERVISORS LOEB
MCDEVITT
STEC
THOMAS
SKIP STRANAHAN, WE THE PEOPLE
EVELYN WOOD, TOWN OF THURMAN
DON LEHMAN, *THE POST STAR*
AMANDA ALLEN, SR. LEGISLATIVE OFFICE SPECIALIST

COMMITTEE MEMBERS ABSENT:

SUPERVISORS BENTLEY
MCCOY

In the absence of both Committee Chairman Bentley and Vice-Chairman Goodspeed, Mr. Kenny called the meeting to order at 9:30 a.m.

Motion was made by Mr. VanNess, seconded by Mr. Strainer and carried unanimously to approve the minutes from the prior Committee meeting, subject to correction by the Clerk of the Board.

Privilege of the floor was extended to Kate Hogan, District Attorney, who distributed copies of the meeting agenda to the Committee members; *a copy of the agenda is also on file with the minutes.*

Commencing with the agenda review, Ms. Hogan presented a request to ratify actions taken in submitting an application to the New York State Division of Criminal Justice Services (NYSDCJS) for Crimes Against Prosecution (CARP) grant funding for an amount not to exceed \$70,000. She explained she had submitted the application without prior Committee consent in order to meet the specified application deadline, but had contacted Chairman Monroe, Paul Dusek, County Attorney/Administrator, and Mr. Bentley to gain their permissions before doing so. Ms. Hogan advised that a determination on the grant award would be made within five days for a term extending from October 1, 2010 through September 30, 2011.

Mr. Strainer questioned whether the grant would require a Local Share match and Ms. Hogan replied in the negative. She expounded that all CARP revenues were forwarded to the NYSDCJS who had determined that the District Attorney Offices across the State were returning more revenues to them than the amount expended to fund their operations. Therefore, Ms. Hogan added, they had increased the amount of grant funding available which allowed smaller Counties, such as Warren County, to apply for and receive additional grant awards.

Motion was made by Mr. Strainer, seconded by Mr. VanNess and carried unanimously to approve the request to ratify actions taken in submitting an application for CARP grant funding as outlined above and the necessary resolution was authorized for the October 15th Board meeting. *A copy of the request is on file with the minutes.*

Ms. Hogan apprised that Committee action was necessary to amend the County Budget to accept the grant funding, assuming it was awarded.

Motion was made by Mr. Strainer, seconded by Mr. VanNess and carried unanimously to amend the 2010 County Budget to increase estimated revenues and appropriations in the amount of \$70,000 to reflect the receipt of CARP grant funding and refer same to the Finance Committee. *A copy of the request is on file with the minutes.*

Continuing, Ms. Hogan requested permission to amend the 2010 County Budget to increase estimated revenues and appropriations in the amount of \$15,000 to reflect the receipt of Byrne JAG Grant funding offered through the NYSDCJS. She advised that the grant funds would be expended to purchase recording equipment for video taping certain enumerated felonies.

Motion was made by Mr. Taylor, seconded by Mr. Strainer and carried unanimously to approve the request to amend the Budget as outlined above and refer same to the Finance Committee. *A copy of the request is on file with the minutes.*

Ms. Hogan announced that her final agenda item pertained to a travel request, which she asked Joan Sady, Clerk of the Board, to expound upon as she had the pertinent documentation in her possession. Mrs. Sady advised the request was for Joy Savoie to attend Critical Issues in Responding to Domestic Violence training being provided by the Division of Criminal Justice Services in Albany, NY on October 27, 2010. She added that the cost of the training was \$80 and Ms. Hogan noted the training costs would be supported by grant funding which was already available within the existing Budget.

Motion was made by Mr. VanNess, seconded by Mr. Strainer and carried unanimously to approve the travel request as previously noted. *A copy of the Authorization to Attend Meeting or Convention form is on file with the minutes.*

As there was no further District Attorney business to discuss, privilege of the floor was extended to John Wappett, Public Defender, who distributed copies of a Request for Transfer of Funds in the amount of \$9,000 from the Contingent Fund for the purchase and installation of the New York State Defender's Association Public Defender Case Tracking Program.

Mr. Goodspeed entered the meeting at 9:38 a.m.

Mr. Wappett advised he had previously discussed this issue with Mr. Bentley and Kevin Geraghty, Budget Officer, during his Departmental budget session to express the need for the transfer and the importance of the new software program. He explained they were currently in the first stages of a change taking place for the Public Defender Offices across the State which may ultimately lead to a State-wide takeover of the entire process. Mr. Wappett said there was now an Office of Indigent Legal Services in place at the State level which Governor Paterson was currently appointing officials to, which would begin controlling the pool of money distributed to the Counties each year. He added that within the next five years, the Office of Indigent Legal Services would have complete control over the distribution of funds, meaning that it would no longer strictly be a matter of the County maintaining efforts from the previous year to get their proportional share of funding, but rather the funds distribution would be completely at the discretion of the Office of Indigent Legal Services. Mr. Wappett said it was his understanding that the new process would reinforce and support "good" programs and use the funds to adjust and improve the level of representation provided for indigent Criminal and Family Court defendants.

Decisions made on the level of funding to be provided would be based upon computer generated statistics received through the software system used by the New York State Defenders Association (NYSDA), Mr. Wappett apprised. He said 50 of the 63 Public Defender Offices across the State were already using the NYSDA software; however, he added, his Office was one of those not currently using NYSDA system, which could potentially affect the amount

of funding received since the statistical information provided would not be commensurate with what was provided by other Counties using the same software system. Mr. Wappett stated that the software used by NYSDA could be purchased and installed for a total cost of \$9,000, which would be a one-time commitment by the County with minimal annual maintenance costs that he felt could be supported within his annual Budget.

Mrs. Sady reported that the requested funding was available within the Contingent Fund.

Subsequent to further discussion on the matter, motion was made by Mr. Strainer, seconded by Mr. Goodspeed and carried unanimously to approve the request for a transfer of funds in the amount of \$9,000 from the Contingent Fund, and refer same to the Finance Committee. *A copy of the request is on file with the minutes.*

Mr. Goodspeed asked Mr. Wappett to comment on the recent Court of Appeals case determining that arraignments were a fundamental stage requiring representation in the criminal trial practice and stating that indigents were entitled to an attorney during arraignments at the earliest possible stages. Mr. Wappett replied that this could potentially cause considerable issues for his Office due to the various hours of operation held by the Town, Village and City Courts across Warren County. He said that although the indications were not technically a "holding" made by the Court which would make them mandatory, it was a clear indication of the direction the Court was heading in. When asked if arraignments could be postponed until a time more convenient for the Public Defenders Office, Mr. Wappett replied that offenders being held for arraignment would have to be transferred to the Glens Falls Police Department, as that was the only facility with a holding cell, then back to the appropriate Court for arraignment. He added that this situation could be alleviated somewhat by the introduction of a District Court system; however, he noted, when the issue was discussed previously the Town Court Judges had been vehemently opposed to the idea.

Discussion ensued.

As there was no further business to come before the Committee, on motion made by Mr. Strainer and seconded by Mr. VanNess, Mr. Kenny adjourned the meeting at 9:54 a.m.

Respectfully submitted,
Amanda Allen, Sr. Legislative Office Specialist